

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAI'I

SPORTS SHINKO CO., LTD., a Japanese corporation,) CIVIL NO. CV 04-00124
) ACK/BMK
)
Plaintiff,) CONSOLIDATED CASES
)
vs.) DECLARATION OF
) GLENN T. MELCHINGER;
QK HOTEL, LLC, a Hawai'i limited liability company, et al.,) EXHIBITS "3" & "4"
)
)
Defendants,)
)
and)
)
FRANKLIN K. MUKAI,)
)
Third-Party Plaintiff,)
)
vs.)
)
SPORTS SHINKO (USA) CO., LTD., a Delaware corporation, et al.,)
Third-Party Defendants.)
)
)
SPORTS SHINKO (USA) CO., LTD.,) CIVIL NO. CV 04-00125
a Delaware corporation,) ACK/BMK
)
Plaintiff,)
)
vs.)
)
PUKALANI GOLF CLUB, LLC, a Hawai'i limited liability company, et al.,)
)
Defendants,)
)
and)
)
FRANKLIN K. MUKAI,)
)
)

Third-Party)
Plaintiff,)
)
vs.)
)
SPORTS SHINKO CO., LTD.,)
a Japan corporation, et al.,)
)
Third-Party)
Defendants.)

SPORTS SHINKO (USA) CO., LTD, a) CIVIL NO. CV 04-00126
Delaware corporation,) ACK/BMK
)
Plaintiff,)
)
vs.)
)
KIAHUNA GOLF CLUB, LLC,)
a Hawai'i limited liability)
company, et al.,)
)
Defendants,)
)
and)
)
FRANKLIN K. MUKAI,)
)
Third-Party)
Plaintiff,)
)
vs.)
)
SPORTS SHINKO CO., LTD.,)
a Japan corporation, et al.,)
)
Third-Party)
Defendants.)

SPORTS SHINKO CO., LTD., a) CIVIL NO. CV 04-00127
Japanese corporation,) ACK/BMK
)
Plaintiff,)
)
vs.)
)
OR HOTEL, LLC, a Hawai'i)
limited liability company,)

et al.,)
)
 Defendants,)
)
 and)
)
 FRANKLIN K. MUKAI,)
)
 Third-Party)
 Plaintiff,)
)
 vs.)
)
 SPORTS SHINKO (USA) CO., LTD.,)
 a Delaware corporation, et al.,)
)
 Third-Party)
 Defendants.)
)

 SPORTS SHINKO (USA) CO., LTD.,) CIVIL NO. CV 04-00128
 a Delaware corporation,) ACK/BMK
)
 Plaintiff,)
)
 vs.)
)
 MILILANI GOLF CLUB, LLC,)
 a Hawai`i limited liability)
 company, et al.,)
)
 Defendants,)
)
 and)
)
 FRANKLIN K. MUKAI,)
)
 Third-Party)
 Plaintiff,)
)
 vs.)
)
 SPORTS SHINKO CO., LTD.,)
 a Japan corporation, et al.,)
)
 Third-Party)
 Defendants.)
)

DECLARATION OF GLENN T. MELCHINGER

Pursuant to 28 U.S.C. § 1746, I declare that:

1. I am an attorney with the law firm of Alston Hunt Floyd & Ing, counsel for Plaintiff and Third-Party Defendants, SPORTS SHINKO CO., LTD.; SPORTS SHINKO (HAWAII) CO., LTD.; SPORTS SHINKO (MILILANI) CO.; SPORTS SHINKO (KAUAI) CO., LTD.; SPORTS SHINKO (PUKALANI) CO., LTD.; SPORTS SHINKO RESORT HOTEL CORPORATION; SPORTS SHINKO (WAIKIKI) CORPORATION; and OCEAN RESORT HOTEL CORPORATION (the "SS Companies").

2. I make this declaration based on my personal knowledge and am competent to testify as to the matters set forth herein.

3. I obtained the Declaration of Steven Silver attached to this Memorandum in Opposition to the KG Defendants' April 12, 2006 Motion for Reconsideration of the Court's March 29, 2006 order denying their January 13, 2006 Motion for Summary Judgment, which Declaration certifies that the English translations paired with Exhibits "1" and "2" to the Declaration of Tsugio Fukuda, attached hereto.

4. Attached hereto as Exhibit "3" is a true and correct copy of a letter from Miles Furutani obtained from the Sports Shinko records kept in the ordinary course of business that were recovered from Satoshi Kinoshita's Ocean Resort Hotel Waikiki office in August, 2002 at the direction of the trustee,

which were subsequently held in the custody of Thomas Hayes under the direction of the Trustee in Bankruptcy for Sports Shinko Co., Ltd. ("SS-Japan"), and finally transferred into my office's custody, where they have been kept since.

5. Attached hereto as Exhibit "4" is a true and correct copy of a letter from Miles Furutani to Franklin Mukai regarding termination fees due to Resort Management Services (Hawaii), Inc. obtained from the Sports Shinko files produced to me by the McCorriston law firm pursuant to Rule 2004 examination in the U.S. Bankruptcy Court for the District of Hawaii in An. No. 02-04131.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Honolulu, Hawai'i on May 22, 2006.

/S/ Glenn Melchinger
GLENN T. MELCHINGER